

**City of Killeen**  
Regular City Council Meeting  
Killeen City Hall  
August 27, 2013 at 5:00 p.m.

Presiding: Mayor Pro-Tem Elizabeth Blackstone

Attending: Council members Terry Clark, Jared Foster, Wayne Gilmore, Steve Harris, Jonathan Okray, and Jose Segarra

Absent: Mayor Daniel Corbin

Others Present: City Manager Glenn Morrison, City Attorney Kathryn Davis, City Secretary Dianna Barker, and Sergeant-at-Arms Eric Bradley

Councilmember Okray gave the invocation, and Councilmember Harris led everyone in the pledge of allegiance.

**Approval of Agenda**

*Motion was made by Councilmember Clark to approve the agenda as written. Motion seconded by Councilmember Segarra. The motion carried unanimously.*

**Consent Agenda**

CA-1 Consider minutes of Regular City Council Meeting of August 13, 2013.

CA-2 Consider a memorandum/resolution approving the Investment Report for the quarter ended June 30, 2013.

Staff comments: Martie Simpson

Ms. Simpson Presented an investment report summarizing all investment activity for the quarter that ended June 30, 2013 and gave some brief highlights. Staff recommended the council approve the investment report as submitted.

CA-3 Consider a memorandum/resolution approving the revised City of Killeen Investment Policy.

Staff comments: Martie Simpson

The investment committee met and reviewed amendments to the investment policy as suggested by the city's investment advisor, Valley View Consulting. The amendments consist of general clean-up for clarification. Staff recommended approval of the amended investment policy.

CA-4 Consider a memorandum/resolution approving Change Order No. 3 to the Terminal Building Expansion Construction Contract with Hill & Wilkinson General Contractors.

Staff comments: Matt Van Valkenburg

Change Order No. 3 represents the labor, material, supervision and all other costs associated with various changes to the original scope of work at the Killeen-Fort Hood Regional Airport. The cost of the change order is \$112,769.61, a 1.99% increase to the contract. There are sufficient funds in the

account to support this change order. Estimated completion date is March 2014. Staff recommended the council authorize the City Manager to execute Change Order No. 3.

CA-5 Consider a memorandum/resolution approving Killeen-Fort Hood Regional Airport Concession Lease Agreement Renewals.

Staff comments: Matt Van Valkenburg

Expiring concession Lease agreements at the airport were reviewed by staff which coordinated extension of the current agreements with representatives of Fort Hood National Bank and Lo&H Ventures. A small increase in basic rates was implemented consistent with the consumer price index. Staff recommends the council approve addendum No. 5 to the Fort Hood National Bank lease agreement extending the term for a period of two years beginning October 1, 2013 and ending September 30, 2015 and addendum No. 8 to the Lo&H Ventures lease agreement extending the term for a period of one year beginning October 1, 2013 and ending September 30, 2014.

CA-6 Consider a memorandum/resolution awarding Bid No. 13-29 Slurry Seal Services to Viking Construction.

Staff comments: George Lueck

The city received 3 bids for slurry seal services. The low bidder was Viking Construction. Staff recommends that slurry seal services be awarded to Viking Construction.

CA-7 Consider a request for a final plat submitted by Robert F. Michener and Myong H. Michener (**Case #13-018FS: Killeen Health Care Facility**) of approximately 2.5 acres, being part of the Julia Stephens Survey, Abstract No. 745. The property is located along the west right-of-way of Clear Creek Road (SH 201), approximately 740 feet south of Vahrenkamp Drive, Killeen, Texas.

Staff comments: Tony McIlwain

The proposed plat does meet the requirements of the city's subdivision regulations. This plat is for a Scott & White facility. The Planning & Zoning Commission approved the plat (Case#13-018FS) by a vote of 4 to 0.

CA-8 A. Consider a request for a preliminary plat submitted by Reeces Creek Developers, Inc. (**Case #13-024P: Goodnight Ranch, Phase Thirteen**) of approximately 177.405 acres, being part of the George Allen Survey, Abstract No. 43. The property is located along the north right-of-way of Reese Creek Road and west of Goodnight Ranch Phase One, Killeen, Texas.

Staff comments: Tony McIlwain

Mitchell & Associates submitted a preliminary plat consisting of 177.405 acres, Goodnight Ranch Phase Thirteen. The property is zoned R-1 and the applicant is platting the property into 456 lots. The plat does meet the requirements of the city's subdivision regulations.

B. Consider a City/Owner Agreement to extend a 12-inch diameter water transmission main and a 10/12-inch diameter gravity sanitary sewer interceptor, and to amend the City's Thoroughfare Plan as part of the Goodnight Ranch Addition Phase Thirteen Subdivision.

Staff comments: John Nett

Staff recommends city council agree to construct a 12-inch diameter potable water transmission main which will enhance assets acquired with the project and a 10/12-inch diameter sanitary sewer gravity interceptor which will tie into sewer lines, and to amend the city's Thoroughfare Plan in association

with the Goodnight Ranch Addition Phase Thirteen subdivision, adequate ROW has been acquired, and to authorize the City Manager to execute a city/owner agreement for these public improvements.

- CA-9 Consider a request for a development plat submitted by LAD, Inc. (**Case #13-025FS: Encino Tower Development**) of approximately 5.534 acres, being part of the A. Dickson Survey, Abstract No. 266. The property is located along the north right-of-way of Veterans Memorial Boulevard (Bus. Hwy 190), north of Hillside Drive, Killeen, Texas.

Staff comments: Tony McIlwain

Mitchell & Associates submitted a development plat of approximately 5.534 acres. The property is zoned M-1 and the applicant is platting one lot for a future communication tower. This plat has met city requirements. The Planning & Zoning Commission approved the plat (Case#13-025FS) by a vote of 4 to 0.

- CA-10 Consider a request for a final plat submitted by New Zion Christian Fellowship (**Case #12-030FS: New Zion Church Addition**) of approximately 5 acres, being part of the H.C. McClung Survey, Abstract No. 570. The property is located along the east right-of-way of 28<sup>th</sup> Street, north of E. Veterans Memorial Blvd (Bus. Hwy 190), Killeen, Texas.

Staff comments: Tony McIlwain

Mitchell & Associates submitted a final plat of approximately 5 acres. The property is zoned B-5 and M-1 and the applicant is platting the property into one lot. Due to the site partially located within a FEMA Special Flood Hazard area, a letter of “No Rise” from the engineer as part of the plat validation process was recommended and received affirming that the platting action will not lead to an increase in the Base Flood Elevation within the surrounding community.

- CA-11 Consider a memorandum/resolution authorizing the City Manager to execute an Emergency Medical Task Force Memorandum of Understanding/Agreement for State activation with the Heart of Texas Regional Advisory Council to assist during emergencies.

Staff comments: Fire Chief J.D. Gardner

This agreement allows the Fire Chief to commit a designated amount of EMS resources for deployment in times of emergencies. This agreement would provide for reimbursement to the city should Killeen respond to seven different activations. Staff recommended the council authorize the City Manager to enter into the New Emergency Medical Task Force (EMTF) Memorandum of agreement.

- CA-12 Consider a memorandum/resolution authorizing the City Manager to execute a contract for fuel services with Texas Fleet Fuel.

Staff comments: Karlene Jessie

This resolution would allow the City Manager to enter into a 5-year contract for on and off-site fuel services with Texas Fleet Fuel. The service is for both regular and diesel fuel. There’s an estimated \$300,000.00 cost savings.

*Motion was made by Councilmember Gilmore to approve Consent Agenda items 1 through 12 as presented. Motion was seconded by Councilmember Okray. Motion carried unanimously.*

## Public Hearings / Ordinances

- PH-1      A. **HOLD** a public hearing on the FY 2013-14 proposed Annual Budget and Plan of Municipal Services.

Staff comments: Glenn Morrison

This is the third and final public hearing on the proposed budget.

Mayor Pro-Tem Blackstone opened the public hearing. With no one appearing, the public hearing was closed.

- B. Consider changes to the FY 2013-14 proposed Annual Budget and Plan of Municipal Services.

Staff comments: Martie Simpson

The city is required by charter to post any changes to the proposed budget. Due to recommended changes there will be a Special Called Council Meeting on Tuesday, September 3, 2013 at 5:00PM.

*Motion was made by Councilmember Clark stating "I move to amend the FY 2013-2014 proposed annual budget and plan of municipal services by increasing the funding in the general fund for the Hill Country Transit District by \$28,798, and by removing the Back Flow Assembly Testing Program from the Water and Sewer Fund which was anticipated to increase revenues by \$350,000 in the proposed budget." Motion was seconded by Councilmember Foster; motion carried unanimously.*

- PH-2      **HOLD** a public hearing (first of two) on the tax rate for the fiscal year October 1, 2013 through September 30, 2014 and setting the date of September 10, 2013 to adopt the tax rate.

Staff comments: Martie Simpson

State law requires two public hearings on the proposed tax rate, currently set at .7428. This is the first of two hearings. The second will be at a special called council meeting for Tuesday, September 3, 2013 at 5PM.

Mayor Pro-Tem Blackstone opened the public hearing. With no one appearing, the public hearing was closed.

*Motion was made by Councilmember Clark stating "I move to set the date of September 10, 2013 to adopt the tax rate for the 2013-2014 fiscal year at a regular city council meeting to be held at 5:00PM at Council Chambers, City Hall. Motion was seconded by Councilmember Segarra; motion carried unanimously.*

- PH-3      A. **HOLD** a public hearing and consider an ordinance amending the FY 2012-2013 Annual Budget and Plan of Municipal Services of the City of Killeen by increasing the General Fund by \$44,904 in the Municipal Court Department Motor Vehicle expenditure account.

Staff comments: Martie Simpson

This amendment would provide sufficient funds to cover the purchase of the required vehicle and equipment for City Marshal. Staff recommends increasing the current operating budget by \$44,904 to make the purchase.

B. Consider a memorandum/resolution for the procurement of one (1) fully equipped vehicle for the Municipal Court Department.

Staff comments: Frank Tydlacka

The replacement vehicle would be a Chevy Tahoe and outfitted per the requirements of the Marshal's office.

Mayor Pro-Tem Blackstone opened the public hearing. With no one appearing, the public hearing was closed.

The City Secretary read the caption of the ordinance as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS AMENDING THE FY 2012-2013 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING THE GENERAL FUND BUDGET BY \$44,904 IN THE MUNICIPAL COURT DEPARTMENT MOTOR VEHICLE EXPENDITURE ACCOUNT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

*Motion was made by Councilmember Foster to approve PH-3(A). Motion was seconded by Councilmember Okray; motion carried unanimously.*

*Motion was made by Councilmember Gilmore to approve PH-3(B). Motion was seconded by Councilmember Clark; motion carried unanimously.*

PH-4     **HOLD** a public hearing and consider an ordinance amending the FY 2012-2013 Annual Budget and Plan of Municipal Services of the City of Killeen by increasing the Water and Sewer Fund in the amount of \$130,277 for the purchase of a replacement backhoe and equipment.

Staff comments: Steve Kana

This budget amendment is for funds needed to purchase a replacement for a 13 year old backhoe.

The City Secretary read the caption of the ordinance as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS AMENDING THE FY 2012-2013 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING THE CAPITAL OUTLAY EQUIPMENT EXPENDITURE ACCOUNT (550-3415-437.61-35) IN THE WATER AND SEWER FUND, SANITARY SEWERS DIVISION IN THE AMOUNT OF \$130,277; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

Mayor Pro-Tem Blackstone opened the public hearing. With no one appearing, the public hearing was closed.

*Motion was made by Councilmember Clark to approve amending the 2012-2013 budget and plan of municipal services by increasing the Capital Outlay Equipment Expenditure Account by \$130,277 for the purchase of a replacement backhoe. Motion was seconded by Councilmember Okray; motion carried unanimously.*

- PH-5     **HOLD** a public hearing and consider a plat submitted by Killeen Hotel Owner, L.P (**Case #13-023 RS: Killeen Centre IV**) of approximately 5.32 acres, being a replat of Lot 1, Block 1, Killeen Centre III. The property is located at the northwest intersection of South W.S. Young Drive and Central Texas Expressway, Killeen, Texas.

Staff comments: Tony McIlwain

All County Surveying submitted a plat of approximately 5.32 acres. The applicant is replatting the property into two lots for a bakery and a cafe. The plat does meet the requirements of the city's subdivision regulations. The Planning & Zoning Commission approved the plat (Case#13-023RS) by a vote of 4 to 0.

Mayor Pro-Tem Blackstone opened the public hearing. With no one appearing, the public hearing was closed.

*Motion was made by Councilmember Okray to approve the above stated plat. Motion was seconded by Councilmember Segarra; motion carried unanimously.*

- PH-6     **HOLD** a public hearing and consider an ordinance requested by Chong S. and Kyung S. Yu (**Case #Z13-25**) to rezone part of Lot 1, Block 1, Regency Ridge Subdivision, from B-5 (Business District) to B-3A (Local Business and Retail Alcohol Sales District) for a liquor store. The property is located at the northeast corner of Trimmier Road and E. Stan Schlueter Loop (FM 3470) and is locally known as 4700 Trimmier Road, Suite A, Killeen, Texas.

Staff comments: Jill Ferenc

The property owner's agent has requested this item be postponed until the next regularly scheduled council meeting.

*Motion was made by Councilmember Okray to postpone to the next regularly scheduled council meeting. Motion was seconded by Councilmember Clark; motion carried unanimously.*

## **Ordinances / Resolutions**

- OR-1     Consider an ordinance extending the corporate city limits of the City of Killeen, by annexing 1.339 acres located along the west right-of-way of SH 195, directly west of the intersection of SH 195 and FM 2484.

Staff comments: Tony McIlwain

Glenn and Patricia Collins submitted a complete petition to the Planning Staff on July 10<sup>th</sup> requesting that the City of Killeen annex approximately 1.339 acres to be zoned "A", Agriculture District initially and in the future change zoning to Commercial.

The City Secretary read the caption of the ordinance as follows:

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS TO INCLUDE LAND LYING ADJACENT TO THE PRESENT CITY LIMITS; DECLARING SAID LAND TO BE A PART OF SAID CITY; DECLARING SAID LAND AND PRESENT AND FUTURE INHABITANTS OF SAID LAND TO BE ENTITLED TO ALL THE RIGHTS AND PRIVILEGES OF OTHER LANDS AND CITIZENS OF THE CITY AND TO BE BOUND BY THE ACTS AND ORDINANCES OF THE CITY; EXTENDING THE BOUNDARY OF DISTRICT 4; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; ESTABLISHING AN EFFECTIVE DATE.

Mayor Pro-Tem Blackstone opened the public hearing anyway. With no one appearing, the public hearing was closed.

*Motion was made by Councilmember Gilmore to grant the property owners request. Motion was seconded by Councilmember Okray; motion carried unanimously.*

### **Adjournment**

With no further business, upon motion being made by Councilmember Okray, seconded by Councilmember Clark, and unanimously approved, the meeting was adjourned at 5:42 p.m.

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Elizabeth Blackstone, Mayor Pro-Tem

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Dianna Barker, City Secretary